

Spelthorne Borough Council
Health and Safety Service Plan
2022 – 2024

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1. SERVICE AIMS & OBJECTIVES

1.1 Aims

- 1.1.1 The aim of the health and safety service is to protect the health and safety of those working within the borough in workplaces where we are the enforcing authority. We also aim to protect members of the public and others who may be harmed by the work practices of those businesses.
- 1.1.2 Enforcement is shared with the Health and Safety Executive (HSE), with Spelthorne being responsible for workplaces such as offices, shops, hotels, restaurants, nurseries, pubs, wholesale distribution and warehousing.

1.2 Objectives

Our Health & Safety at Work enforcement objectives will be incorporated into the wider Environmental Health Service Plan.

1.2.1 For 2022- 2024 we have the specific objectives: -

Objective	
1.	To target our resources on the list produced by the HSE of higher risk activities/sectors suitable for targeting for proactive inspection (the 'List'). Under the Code, proactive inspection should be used only for the activities on the 'List' or where there is specific intelligence that risks are not being effectively managed.
2.	To respond to at least 95% of health and safety service requests and accidents within six working days. The team adopts the HSE's risk-based approach to complaint handling and incident selection criteria, to select relevant incidents and complaints. This will target reactive interventions to make best use of regulatory resources.
3.	To comply with all new legislative requirements imposed on the Borough regarding the enforcement of Health & Safety at Work. This includes any relevant guidance, codes of practice, etc., published by the HSE.
4.	To actively participate in selected national/regional projects along with other Surrey LAs and HSE.
5.	To undertake a review of our procedures.
6.	To continue enforcing smoke free legislation, which prohibits smoking in most workplaces, work vehicles and public buildings and working with our partners on smoke free initiatives.
7.	To participate in the flexible warranting scheme with other Surrey local authorities across the county and agree, where appropriate, joint projects to deliver under the scheme.

1.3 Links to corporate objectives and plans

1.3.1 The Council's Corporate Plan for 2021-2023, has five key priorities for Spelthorne:

- Community
- Affordable Housing
- Recovery
- Environment
- Service Delivery

1.3.2 The Council has identified seven key values

- Pride in our Council, communities and Borough
- Responsive and flexible
- Open and accountable
- Value for money
- Integrity
- Dependable
- Empowering communities

1.3.3 The Health and Safety Service Plan is key in protecting our community, providing a safe environment and makes a significant contribution to the communities' economic recovery out of the impacts of Coronavirus. An effective health and safety team contributes to these priorities by protecting the health of its residents and businesses through the provision of safe workplaces, and by ensuring that good businesses are not disadvantaged by non-compliant traders.

1.3.4 The Service Plan incorporates our values.

1.4 Links to the HSE's Strategy – National Local Authorities' Enforcement Code

1.4.1 This National Code was developed by the HSE to ensure that Local Authority (LA) health and safety regulators take a more consistent and proportionate approach to enforcement. This Code provides statutory guidance and a framework to guide local approaches.

1.4.2 It identifies that local authorities should use the full range of regulatory interventions available to influence behaviours and the management of risk with proactive inspection utilised only for premises with higher risks or where intelligence suggests that risks are not being effectively managed.

1.4.3 The HSE Local Authority Circular (LAC 67/2 (rev 11)) specifies how local authorities should prioritise interventions to comply with the National Local Authority Enforcement Code. The Code provides LAs with a principles-based framework that focuses regulatory resources based on risk. It supports LAs to develop their health and safety priorities and target their interventions to consistently comply with the Code. The Code provides flexibility for LAs to address local priorities alongside the national priorities set by HSE.

- 1.4.4 Whilst the primary responsibility for managing health and safety risks lies with the business that creates the risk, local authorities have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting our communities, and contributing to the wider public health agenda.
- 1.4.5 The Code includes an annual list of LA regulatory priorities and the HSE also publishes a list of specific activities in defined sectors that are considered suitable for proactive inspection (known as the 'List')
- 1.4.6 National Priorities are collated from the most recent intelligence from HSE's Sector teams, and address work strands supporting the wider strategy for the health and safety regulatory system and for Spelthorne the following priorities have been identified.

Priority 1: Raising awareness of the work-related stress and mental health campaign 'Working Minds' with businesses.

Poor mental health in the workplace has a direct impact on the nation's workers, businesses, and the economy. There are increasing numbers of workers suffering from work-related stress, anxiety and depression. The campaign brings together guidance advice and support from a wide range of partner organisations and stakeholders. LAs are asked to raise awareness of the campaign with appropriate SME's.

Priority 2: Electrical safety in hospitality settings

The Electricity at Work Regulation 1989 requires that any electrical equipment which has the potential to cause injury is maintained in a safe condition. Local authority enforcement officers are asked to increase awareness to improve standards of compliance. The pandemic has meant that many hospitality venues have extended their space to make the most of outdoor areas. Pubs, restaurants and cafés are urged to ensure outdoor electrical equipment such as lights and heaters are specifically designed for outdoor use, installed by a competent person and checked regularly for damage or water ingress.

Priority 3 Inflatable amusement devices

There have been a number of serious incidents where inflatable amusement devices have collapsed or blown away in windy conditions. Inflatables can be found at many premises that fall to LAs for enforcement, and LAs should raise awareness of the general risks associated with the operation of such devices. In particular, that devices are correctly anchored to the ground, there are suitable arrangements for measuring wind conditions at regular intervals, there is written documentation from a competent inspection body to show it complies with British Standard BS EN 14960 and it is subject to an annual inspection by a competent person.

Priority 4 Gas safety in commercial catering premises

LA health and safety regulators should raise awareness, with their local duty holders, of the risks of exposure to carbon monoxide in commercial kitchens from badly installed or faulty appliances; poor ventilation resulting in lack of make -up air to support combustion; and/or inadequate extraction systems.

LA regulators should consider a range of interventions to raise awareness of this issue.

1.5 Links to the HSE Section 18 – Guidance to Local Authorities

- 1.5.1 Local Authorities are responsible for the enforcement of the Health and Safety at Work etc. Act 1974 (HSW Act), to the extent as defined and prescribed in the Health and Safety (Enforcing Authority) Regulations 1998.
- 1.5.2 Section 18 (4) of the HSW Act requires us to perform our duties in accordance with guidance from the Health and Safety Executive (HSE). The “Section 18 Guidance” is therefore mandatory.
- 1.5.3 Section 18 (4) of the HSW Act states ‘it shall be the duty of every local authority to: -
- I. Make adequate arrangements for the enforcement within their area of the relevant statutory provisions; and
 - II. To perform the duty imposed on them by (a) above and any other functions confirmed on them by any of the relevant statutory provisions in accordance with such guidance as the commission may give them.
- 1.5.4 The HSE considers the following elements are essential for a LA to adequately discharge its duty as an Enforcing Authority: -
- A clear published statement of enforcement policy and practice.
 - A system for prioritised planned inspection activity according to hazard and risk, and consistent with any advice given by the HSE and HELA.
 - A Service Plan detailing the LA’s priorities and its aims and objectives for the enforcement of health and safety.
 - The capacity to investigate workplace accidents and to respond to complaints by employees and others against allegations of health and safety failures.
 - Arrangements for benchmarking performance with peer LAs.
 - Provision of a trained and competent inspectorate; and
 - Arrangements for liaison and co-operation in respect of the Primary Authority Partnership Schemes.
- 1.5.5 We need to ensure that we devote sufficient resources to the health and safety enforcement to comply with our duties under section 18 (4). HSE will take a view on the performance of LA enforcement and promotional activities, in accordance with its strategy using information supplied by authorities as requested (e.g. Annual LAE1 returns) and by reviewing the reports of inter-authority audits carried out using the HELA protocol.
- 1.5.6 If a LA fails to meet its legal obligation under Section 18 of the HSW Act, the Secretary of State may, after considering a report submitted by the HSE, cause a local enquiry to be held. If the Secretary of State is satisfied by such an enquiry that a LA has failed to perform any of its enforcement function, he may make an order declaring the Authority to be in default. The order may

direct the LA to perform their enforcement functions in a specified manner within a specified period of time.

- 1.5.7 If the defaulting LA fails to comply with such an order, under Section 45 of the HSW Act, the Secretary of State may enforce the order, or make and order transferring the enforcement functions of the defaulting LA to the HSE, in which case the HSE's expenses are paid by the defaulting authority.

2. BACKGROUND

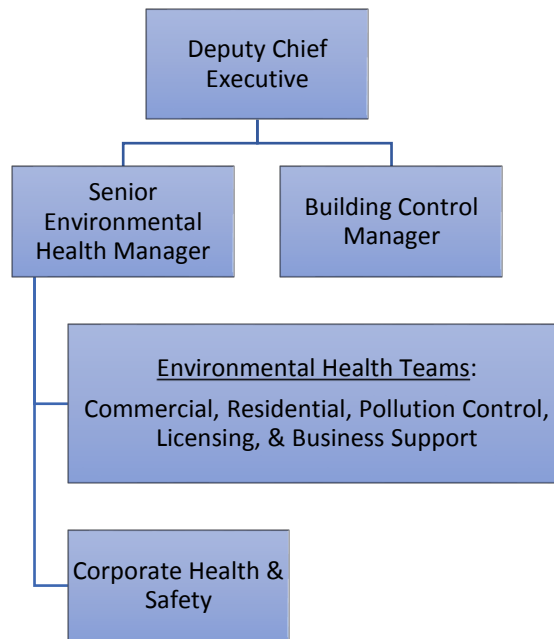
2.1 Profile

- 2.1.1 Spelthorne is in the far north corner of Surrey. Boroughs adjacent to us are Runnymede and Elmbridge to the south in Surrey, Windsor and Maidenhead and Slough to the west in Berkshire, and Hillingdon, Hounslow and Richmond upon Thames to the north and east in Greater London.
- 2.1.2 Spelthorne's population is approximately 95,600, based on figures from the 2011 census. The main centres of population are the towns of Staines-upon-Thames, Ashford, Sunbury-on-Thames, Shepperton and Stanwell.

2.2 Organisational Structure

- 2.2.1 The organisational structure of the Council comprises of the 39 elected members and a Chief Executive who is supported by two deputies. The health and safety service forms part of the Environmental Health Department's Commercial Team. The Commercial Team is headed by the Principal Environmental Health Officer (Commercial) who reports to the Senior Environmental Health Manager (SEHM). The SEHM reports directly to the Deputy Chief Executive.
- 2.2.2 The Commercial Team also provide a food safety enforcement service and licensing/registration regimes, such as all animal licensing and beauty treatments in relevant premises.

2.2.3 The structure is as follows: -



2.3 Scope of the Health and Safety at Work Enforcement Service

2.3.1 We provide a comprehensive service to both employers and employees of commercial premises, and the general public who may be affected by work activity within our borough. The responsibility for health and safety enforcement within commercial premises in the Borough, is shared between the Health and Safety Executive and us. This responsibility is determined by statutory legislation (The Health and Safety (Enforcing Authority) Regulations 1998) and is established on the basis of the “main activity” carried out at the premises.

2.3.2 The main elements of the service are: -

- **Target Health and Safety Inspections** - Proactive inspection should only be used for:
 - a) Specific projects/programmes of inspections identified by HSE for LA attention.
 - b) High risk premises/ activities within the specific LA enforced sectors published by HSE
 - c) Locally identified potential poor performers. This is where specific local intelligence indicates that a business is failing to effectively manage risk.
- **Revisits** are carried out to premises to check if specific action has been taken to remedy faults found at a previous inspection/visit.
- **Special/Other Health and Safety Inspections** – To undertake visits as necessary having regard to the priority programmes within HSE’s Strategy, focusing our enforcement on particular hazards or sectors where the greatest action will be necessary. This may come to light having analysed trends in official accident notifications.

- **Health and Safety Investigations** - Investigation of complaints relating to health and safety received from employers, employees, and the general public.
- **Accident Investigation** - Investigation of accident notifications received via the RIDDOR notification online system. This system is managed by the HSE. The PEHO (Commercial) or, in her absence the SEHO (Commercial), checks the database on a daily basis. Accidents are investigated in accordance with the adopted Accident Investigation Procedure.
- **Health and Safety Initiatives** - To participate in local and national initiatives.
- **Non-Food Premises Database** - we will maintain the database of non-food premises allocated to us under the Health & Safety (Enforcing Authority) Regulations 1998, in the Borough and take steps to ensure that the information is accurate and up to date.

2.4 Demands on the Health and Safety at Work Enforcement Service

We have the responsibility for enforcing the provisions of the Health and Safety at Work etc. Act 1974, and regulations made under the Act in approximately 1119 (as of 31 March 2021) commercial premises located within the Borough. This is likely to be an under-estimation as there is no longer a requirement for new businesses to inform us and as fewer inspections are being carried out this impacts the accuracy of our database.

2.5 Accessing the Service

The service can be accessed by: -

- Calling in person to the Spelthorne Borough Council, Knowle Green, Staines upon-Thames, TW18 1XB. The Offices are open from 9am to 4.45 pm Mondays to Thursdays, and 9 am to 4.30 pm on Fridays. The office is closed in the evenings and at weekends.
- Telephoning the support staff (01784 446291). The Business Support Team is available from 9 am to 5 pm on Monday to Thursday, and 9 am to 4.30 pm on Friday.
- A duty officer is available from 9.30 am to 5 pm Monday to Thursday, and from 9.30 am to 4.30 pm on Fridays.
- By telephoning officers through their direct line telephone numbers.
- By emailing the Commercial Team at eh.commercial@spelthorne.gov.uk
- Emailing officers directly via their individual email addresses.
- Health and safety emergencies can be dealt with by telephoning our 24-hour out-of-hour's emergency service where the on-call officer will contact a senior officer from Environmental Health.
- Information and advice can be accessed via the Council's website at www.spelthorne.gov.uk.

2.6 Enforcement Policy

- 2.6.1 Enforcement will be carried out in a fair, equitable and consistent manner in accordance with the Regulator’s Code and the Environmental Health Enforcement Policy.
- 2.6.2 The policy was last updated in October 2014 and is currently under review. Copies of the Environmental Health Enforcement Policy are available on request and the policy is also available on the Council’s website.

3. SERVICE DELIVERY

3.2 Health and Safety Complaints

- 3.2.1 Our policy is to investigate health and safety complaints in accordance with our policies and procedure notes, whilst having regard to our Enforcement Policy. The investigation of some complaints can be a lengthy process, it is expected that officers will ensure a first response within 6-days of the complaint being received. It is also recognised that certain issues will require a quick response and a duty officer rota is in place during office hours to ensure this.
- 3.2.2 The depth and scope of investigation required will depend on the nature of the complaint and whether the complaint arose within premises for which the Council has health and safety enforcement responsibility.
- 3.2.3 Complainants are advised of the outcome where appropriate.

3.3 Accident Investigation

- 3.3.1 Our policy is to investigate accident notifications received via the online RIDDOR notification system, in accordance with the departmental policies and Accident Investigation procedure notes, whilst having regard to our Enforcement Policy and HSE’s Guidance including selection criteria. The portal is checked daily.
- 3.3.2 The depth and scope of investigation required will depend on factors such as the nature and seriousness of the accident and whether the accident arose within premises for which the Council has health and safety enforcement responsibility.
- 3.3.3 RIDDOR Accident notifications shall be investigated in accordance with the Accident Investigation procedure.
- 3.3.4 The table below shows the numbers of notifiable accidents reported to this Council over the last four years:

Year	No. of notifiable accidents
2021-2022	34
2020-2021	24
2019-2020	55
2018-2019	35

3.4 Asbestos Notifications

3.4.1 Asbestos notifications are received via a portal on the Health and Safety Executive's website. Contractors and others are required by law to notify the relevant enforcing authority of their intention to carry out both licensed and unlicensed work on asbestos. The PEHO (Commercial), or in her absence the SEHO (Commercial), checks this portal once a week.

3.5 Advice to Business

3.5.1 We recognise that the majority of businesses seek to comply with the law and we endeavour to provide such advice and assistance as may be necessary. This includes:

- providing businesses with details of our Enforcement Policy. This may be through a leaflet either left at premises during routine visits or sent with inspection reports.
- developing and providing business free information sheets, leaflets, practical information and other guides as necessary to simplify legislation and aid compliance with specific health and safety legislation.
- providing on the spot free advice during routine visits and inspections.
- provision of free telephone advice.
- the provision of information through the Council's social media pages.
- signposting to the Health and Safety Executives website.
- Health and Safety initiatives.

3.6 Primary Authority Partnerships

3.6.1 The Primary Authority Principle (PAP) is a formal recognition of the importance of the relationship between a business and a specific local authority.

3.6.2 This is a statutory scheme and all local authorities must have regard to it when considering enforcement action in relation to a business which has a number of branches or units in other authority areas and a decision making base in another area, the relevant "Primary Authority" (PA) must be consulted before taking formal action. The only exemption to this requirement is when a local authority needs to take urgent action to avoid a significant risk of serious harm to human health.

3.6.3 Spelthorne does not have PA arrangements with any business currently.

3.6.4 Prior to undertaking an intervention, an officer must take appropriate steps to find out if the business concerned participates in a PAP and if so the conditions of that partnership. Any inspection plan devised as part of the PAP arrangement must be adhered to and actions taken must be fed back through the specified means.

3.7 Liaison with Other Organisations

3.7.1 The Council actively participates in liaison arrangements with other local authorities, agencies, and professional organisations in order to facilitate consistent enforcement, to share good practice, and to reduce duplicity of effort.

- Surrey Health and Safety Study Group (Spelthorne are currently chairing these quarterly meetings)
- Surrey Environmental Health Managers' Group
- Health and Safety Executive
- Local Government Regulation
- Liaison arrangements with Building Control, Planning, Solicitors
- UK Health Security Agency

4. RESOURCES

4.1 Financial

The cost of providing the health and safety service, i.e. staff and budgetary expenses, in the current financial year (2022/23) is £64,400. The budget for 2023/24 will be similar.

4.2 Staffing Allocation

The 2022-2023 staffing allocation is currently 1.13 full time equivalents; this includes administrative supports (0.3) and management support (0.08) such as reviewing service plans, officer performance, service development and budget controls.

4.3 Staff Training and Development

4.3.1 We recognise the need for all officers engaged in the health and safety service to be trained, not only to the level required by law, but also to a level commensurate with the work they carry out. We also recognise the need to develop the personal skills needed to work effectively in the field, and for EHOs to meet the requirements of the CIEH Continuing Professional Development (CPD) scheme.

4.3.2 Each member of staff receives regular one-to-one meetings as per the Council's Continuous Performance Management programme, during which development needs are identified and a development plan is agreed to address these.

4.3.3 Training and development of staff is provided by a range of methods including:

- i) Post Entry Training - Nominations for formal training courses/qualifications are considered annually and in appropriate cases members of staff are sponsored on formal academic and practical courses.
- ii) Short Course Training - Where appropriate, short courses, seminars and workshops can provide valuable updates for staff. We support attendance at such events through the Departments short courses training budget.

- iii) In-house/cascade Training - We carry out in-house training sessions as this helps to develop an individual's presentation skills, as well as cascading information to other members of staff following attendance at seminars and short course. They also assist in maintaining consistency of enforcement and the competency of Officers.
 - iv) Peer Review - We use peer review, e.g.: joint visits, to monitor work performance; encourage exchange of expertise and skills between staff; achieve consistency in enforcement; to strive for continual improvement in service delivery.
 - v) Commercial Team Meetings - These monthly meetings provide a useful forum for exchange of information and experience amongst team members and assist in achieving a uniformity of approach to health and safety enforcement. Health and Safety is a standing item on the agenda for these meetings.
 - vi) Attendance at the Surrey Health and Safety study group meetings. Spelthorne currently Chair the Surrey Group.
 - vii) Participating in HSE webinars which are held routinely during the year.
- 4.3.4 We will ensure that the Council's Continuous Performance Management scheme and training plan is used effectively to identify general and personal training and development needs for all members of staff. These are addressed through officer's agreed personal development plan.

5. QUALITY ASSESSMENT

5.1 Internal Monitoring

- 5.1.1 We have set up documented internal monitoring procedures to monitor compliance with HSE strategies and guidance, and our own internal procedures and policies.
- a. Officers carry out joint visits with each other once a year to ensure consistency between officers (Peer Review).
 - b. The Principal Environmental Health Officer (Commercial) checks a selection of post-inspection risk scores and correspondence that is sent out.
 - c. The PEHO (Commercial) shall carry out joint visits with each officer twice a year to ensure consistency between officers.
 - d. Customer questionnaires are sent out to all businesses.

5.2 External Monitoring

- 5.2.1 Our health and safety enforcement at work service receives peer review as part of the local Surrey Districts inter-authority audit scheme.

We participated in an Inter-Authority audit organised by the Surrey Health & Safety Study Group in accordance with both the HSC Section 18: Guidance to Local Authorities, which was issued in September 2001, and the revised HELA Audit Protocol (issued in January 2002). The audits were carried out in May/June 2004. Our Health & Safety Service was audited on 29 June 2004.

There are no confirmed plans in place for further inter-authority audits at present.

The Study Group undertake annual peer reviews with the topics covered last year including the review of a prosecution case taken by one member of the group and a desktop examination of reportable accident reports across the group.

5.2.2 We currently submit annual statistical returns to the HSE in respect of our health and safety enforcement activity.

6. REVIEW

6.1 Performance review against the Service Plan

6.1.1 The team continued to provide a professional and quality service; reactive work was prioritised and actioned as required but there was no available resource to undertake proactive inspections or projects. The vast majority of health and safety work has centred around Coronavirus restrictions and risk assessments. The Commercial Team undertook 121 face to face visits at the request of either UKHSA or Surrey County Council to individuals who tested positive for Covid-19 but were not engaging with the Test and Trace teams in addition to approximately 252 site visits to commercial premises to ensure compliance with Coronavirus restrictions.

6.1.2 No specific projects were run in 2021/2022 within Surrey as the Coronavirus work took priority, however gas safety training sessions were run in March 2022 in preparation for the 2022/2024 which officers from Spelthorne attended.

6.1.3 Separate to Covid work, the team undertook nine site visits to investigate health and safety related incidents, six site visits to investigate complaints and three revisits. No enforcement action in the form of improvement notices, prosecutions or simple cautions was undertaken.

6.1.4 The team is involved in a complex accident investigation which diverts officer time away from other health and safety work.

6.1.5 We continued to provide free advice and support to our local businesses and attend regular liaison group meetings.

6.1.6 The Plan is reviewed every two years and an annual update will be included in the Environmental Health Service's annual Service Plan.

6.2 Identification of any variation

6.2.1 Due to the impacts of Covid-19 has been difficulties in meeting some of the objectives set out in the 2021-2022 service plan.

6.2.2 The team has also been very focused on food safety work including the prioritisation of high risk food inspections and complaints in addition to working through the backlog of inspection that resulted from the work we undertook at the height of the pandemic.

6.2.3 The PEHO (Commercial) shared animal licensing work with a one of the Licensing Officers (LO). The PEHO and this LO were the only officers with the required qualifications and competency under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018. The LO left Spelthorne Borough Council in September 2021. This has had a direct impact on the PEHO's workload with time diverted from her normal activities to undertake the additional work. Prior to the LO's departure the animal licensing work including routine renewals, new applications and complaint work was divided between the LO and the PEHO. All animal licensing visits and complaint investigations now sit with the PEHO solely. It is anticipated that two officers from the Licensing Team will undertake the required training course in 2022/23 and the PEHO will support with their training and mentoring.

6.3 Areas of Improvement

6.3.1 The following are planned for 2022-2024:

- The National Local Authority Enforcement Code has resulted in a decrease to the number of proactive inspections carried out each year. This has impacted the competency of officers as they now undertake fewer inspections. To offset this, we ensure that officers routinely attend training events and cascade the crucial points of these events to their team.
- Ensure that the service is inclusive and is provided to hard-to-reach groups
- Retain qualified and competent health and safety officers.
- Ensure that technology is used efficiently to record information necessary to deal with customer queries, provide HSE returns and provide information to customers in an electronic format.
- Continue to update and implement our policies and procedures to ensure the service complies with HSE requirements.